

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARY and JOSUE ANAYA,  
individually and as next friends of  
JOEL EZEKIEL ANAYA,

Plaintiffs,

v.

CHRISTINE PETERSON, in her  
individual and official capacity as  
Director of the Department of Health  
and Human Services, JULIE  
MILLER, in her individual and  
official capacity as Coordinator of the  
Nebraska Department of Health and  
Human Services Newborn Screening  
Program, KRYSTAL BAUMERT, in  
her individual and official capacity as  
Follow-Up Coordinator, Newborn  
Screening Program, DON KLEINE,  
in his individual and official capacity  
as Douglas County Attorney, and  
NICOLE GOALEY, in her individual  
and official capacity as an Assistant  
Douglas County Attorney,

Defendants.

4:07CV3254

ORDER

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IT IS ORDERED:

1. [Filing 55](#), the parties' joint stipulation to dismiss the plaintiffs' action, with prejudice, as against three of the defendants, Christine Peterson, Krystal Baumer, and Julie Miller, is granted. There being no just

reason for delay, a final judgment shall be entered pursuant to Federal Rule of Civil Procedure 54(b) by separate document.

2. [Filing 47](#), the motion for summary judgment filed by the defendants Christine Peterson, Krystal Baumer, and Julie Miller is denied without prejudice, as moot.
3. [Filing 60](#), the remaining defendants' motion to strike the plaintiffs' cross-motion for summary judgment ([filing 56](#)), index of evidence ([filing 57](#)), and brief ([filing 58](#)), and to stay proceedings, is denied.
4. The defendants shall have until November 4, 2008, to respond to the plaintiffs' cross-motion for summary judgment.

DATED this 15th day of October, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge